

Serial No. 10/087,205
Response to Final Office Action dated September 3, 2008

Remarks

The applicant provides the following remarks in response to the Final Office Action bearing a mailing date of September 3, 2008. Claims 1, 8, 15, and 16 are currently amended. Claims 1-16 are currently pending. The applicant respectfully requests withdrawal of the pending rejections in light of the foregoing amendments and the following remarks.

Rejection under 35 U.S.C. § 112

Claims 1-16 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement because recitation of "non-pump parameter content" is not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention because it has not been defined. The applicant respectfully traverses this rejection and does not concede any characterizations of the pending application set forth in the Office Action.

Although the applicant maintains that support exists in the specification for the term "non-pump parameter content," each of claims 1, 8, 15, and 16 are amended to recite that the user-defined content can include patient-identifying content. These claims are also amended to clarify that the banner is displayed on a screen of a pump, and that the banner is stored in a memory of the pump. As explained in the previous response of June 10, 2008, support for such an amendment can be found at page 11, lines 10-19, as well as in Figure 30E and page 85, lines 16-21 of the specification. In light of this amendment, the applicant respectfully requests reconsideration and withdrawal of this rejection.

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Rejection under 35 U.S.C. § 103

A. Claims 1-4, 6-10, and 12-16

Claims 1-4, 6-10, and 12-16 stand rejected as being obvious over Campbell et al. (U.S. Patent Pub. No. 2005/0137530, hereinafter "Campbell") and further in view of Malave et al. (U.S. Patent Pub. No. 2002/0193679, hereinafter "Malave"). The applicant respectfully traverses this rejection for at least the reasons herein, and does not concede any characterizations of the pending application or the cited references set forth in the Office Action.

Each of independent claims 1, 8, 15, and 16 recite generally different medical pumps which receive user-defined content relating to any type of desired content, including content relating to the patient. In each of these claims, this user-defined content is recited to be included in a banner displayable in a user interface on a screen of the pump.

In contrast to the pending independent claims, neither of Campbell or Malave disclose such a configuration in which patient-identifying, user-defined content is displayed on a screen of a pump. Campbell discloses a number of user interface screens including a status screen that displays the status of various pump functions and parameters. Campbell does not disclose any screen that displays identifying information of a patient as defined by a user, and in fact does not disclose inclusion of such patient-identifying information in a pump.

Malave also does not disclose a pump that displays patient-identifying, user-defined content on a screen of the pump. Malave discloses a system which receives data entry on a personal computer to allow entry into predefined fields. See Malave, Figures 13-14. While the software of Malave does allow receipt of patient specific data (e.g., in Figure 13), that reference does not disclose transmitting the patient-identifying data (e.g., the patient's name or identification number) to the pump, or displaying any patient-identifying data on a display of the

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pump, in a banner or otherwise. Rather, Malave manages all patient-identifying data in software residing on a personal computer, separate from the pump. As discussed in ¶¶ 0077-0078 of that reference, data uploaded and downloaded to/from a pump from a PC is “saved in the currently selected patient’s record in the database. . .[or] saved to a different patient record or storage area.” No data specifically identifying the patient is ever downloaded to the pump in Malave, let alone displayed in a banner on a screen of the pump.

Because the combination of Campbell and Malave fails to disclose each of the elements of any of independent claims 1, 8, 15, and 16, the applicant respectfully submits that no combination of these references can result in the claimed combination of elements, and requests reconsideration and withdrawal of the pending rejection. Further, claims 2-4 and 6-7 depend from claim 1, and claims 9-10 and 12-14 depend from claim 8. These claims inherit all of the limitations of those independent claims. The applicant respectfully requests reconsideration and withdrawal of the rejection of these claims as well, for at least the previously-stated reasons.

B. Claims 5 and 11

Claims 5 and 11 stand rejected as being obvious over Campbell, Malave, and further in view of Estes et al. (U.S. Patent Pub. No. 2003/0114836, hereinafter “Estes”). The applicant respectfully traverses this rejection and does not concede any characterizations of the pending application or the cited references set forth in the Office Action.

Claim 5 depends from claim 1, and claim 11 depends from claim 8. Each of these claims therefore also requires generation and display on a pump of a banner including user-defined, patient-identifying information. As discussed above, neither Campbell nor Malave discloses such an element. Estes also fails to disclose this element. Estes illustrates, without explanation, inclusion of facility and physician information into predefined, not user defined, fields of a

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patient record. Estes fails to disclose either user-defined fields, or display of a banner including patient-identifying information as recited in the claims.

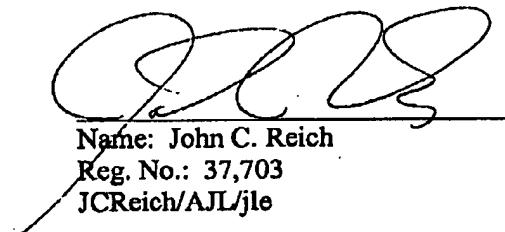
In sum, no combination of Campbell, Malave, and Estes will result in a pump displaying a banner including user-defined, patient-identifying information, or a method of displaying such a banner on a pump. The applicant therefore respectfully requests reconsideration and withdrawal of the rejection of claims 5 and 11 as well.

Conclusion

For at least these reasons, the applicant requests allowance of the pending claims and advancement of this application to issuance. The applicant notes that there may be additional reasons and arguments in support of patentability for the pending claims, and the applicant reserves the right to raise any such reason in the future.

Please call the undersigned attorney if there are any questions or if it would be helpful to discuss any issues during the examination of this application.

Respectfully submitted,
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